

### REMARKS

In the last Office Action, claims 10-11 and 13-18 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,211,549 to Funaki et al., and claims 10-15 and 18 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,461,918 to Calfut, both newly cited. Claim 1 was allowed.<sup>1</sup> In order to expedite issuance of a patent, applicant has elected to accept the allowed subject matter. To this end, rejected claims 10-12 and 14-17 have been canceled and dependent claims 13 and 18 have each been amended to depend on and conform to allowed claim 1.

Allowed independent claim 1 has been amended for clarity to recite that the gate insulating film is formed of a first gate material in view of the later recitation in the claim of a second gate material. With reference, for example, to the Fig. 11 embodiment, the first gate material comprises the gate oxide film 5 and the second gate material comprises the silicon oxide or silicon nitride film 12, the films 5 and 12 surrounding the polycrystalline silicon gate 6.

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<sup>1</sup> The Office Action summary states that claims 1 and 10-18 are rejected; however, it is apparent that the inclusion of claim 1 in the summary of rejected claims is an error as the body of the Office Action states in paragraph 3 that claim 1 is allowed and provides reasons for the allowance of claim 1.

The patentability of claim 1 has been established in the record, and dependent claims 13 and 18 are likewise allowable as they depend on allowed claim 1.

In view of the foregoing, the application is now believed to be in allowable form. Accordingly, favorable reconsideration and passage of the application to issue are respectfully requested.

Respectfully submitted,

ADAMS & WILKS  
Attorneys for Applicant

By: 

Bruce L. Adams  
Reg. No. 25,186

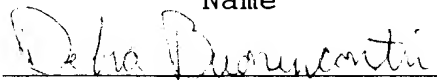
50 Broadway - 31st Floor  
New York, NY 10004  
(212) 809-3700

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Debra Buonincontri

Name



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AUGUST 29, 2003

Date